

1 HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD PRATT, et al.,

Plaintiffs,

v.

COUNTY OF WHATCOM, et al.,

Defendants.

CASE NO. C12-2052 RAJ

CORRECTED¹ ORDER

This matter comes before the court on plaintiffs' unopposed motion for an order providing an American Sign Language ("ASL") interpreter for mediation. Dkt. # 18.

The parties have scheduled mediation for August 19, 2013 at the offices of Brett Murphy in Bellingham, WA. Plaintiffs are both deaf and require sign interpretation to participate in the mediation.

For court proceedings, this District provides special interpretation services pursuant to 28 U.S.C. § 1828. For other circumstances, the court may make special interpretive services available to a "person requesting the services on a reimbursable basis at rates established in conformity with section 9701 of title 31," but the director of the Administrative Office of the United States Courts "may require the prepayment of the

¹ The parties shall disregard the prior order.

1 estimated expenses of providing the services by the person requesting them.” 28 U.S.C.
2 § 1828(b). The court has discretion to determine whether to order that “all or part of the
3 expenses shall be apportioned between or among the parties” 28 U.S.C. § 1828(c).

4 This District no longer mandates mediation. If the parties choose to engage in
5 private mediation as a cost effective strategy to resolve the litigation, it is at their
6 election. Given plaintiffs’ representations regarding their financial limitations, the court
7 believes that reimbursement and apportionment are appropriate under these
8 circumstances. The court will pay the cost of the interpretation services for the
9 mediation, to the extent the rates are in conformity with 31 U.S.C. § 9701, but will
10 require the parties to reimburse the court for these costs. The court will require
11 defendants to pay 90 percent, and plaintiffs to pay 10 percent of the cost of the
12 interpretation services for the mediation. The parties have not provided the court with a
13 precise dollar amount. Nevertheless, the court ORDERS the parties to submit their
14 estimated proportion of the cost by close of business Friday, August 16, 2013 as
15 prepayment if the parties choose to continue with interpreters for the mediation.

16 For all the foregoing reasons, the court GRANTS in part and DENIES in part
17 plaintiffs’ motion consistent with this order.

18 Dated this 14th day of August, 2013.

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22 The Honorable Richard A. Jones
23 United States District Judge
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